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**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

The Minutes

October 22, 2001

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Scotland, Presiding Justice; Morrison, Associate Justice; Callahan, Associate Justice; and Castillo, Bailiff. Calendar Called.

C033582 THE PEOPLE v. WRIGHT

Cause called. Laura Schaefer, court appointed counsel, argued for appellant. Robert M. Morgester, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:50 a.m., the court recessed. At 9:51 a.m., the court reconvened with Presiding Justice Scotland, Associate Justice Morrison and Associate Justice Callahan.

C035893 SCHROEDER v. SACRAMENTO MUNICIPAL UTILITY DISTRICT

Cause called. Nancy J. Sheehan argued for respondent. No appearance was made on behalf of appellant. Cause submitted.

At 9:52 a.m., the court recessed. At 10:01 a.m., the court reconvened with Presiding Justice Scotland, Associate Justice Raye and Associate Justice Morrison.

C031821 MOORE et al. v. STATE BOARD OF CONTROL

Cause called. Steven Kaiser, Deputy Attorney General, argued for appellant. Jay-Allen Eisen argued for respondents. Michael Siegel appeared only. Cause submitted.

At 10:30 a.m., the court recessed. At 10:34 a.m., the court reconvened with Presiding Justice Scotland, Associate Justice Raye and Associate Justice Callahan.

C035576 THE PEOPLE v. RUGAMAS

Cause called. Michael J. Roeser argued for appellant. Alan Ashby, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:50 a.m., the court recessed. At 10:54 a.m., the court reconvened with Acting Presiding Justice Raye, Associate Justice Callahan and Associate Justice Kolkey.

C034784 ALCALA v. AUBURN AREA RECREATION AND PARK DISTRICT et al.

Cause called. J. Scott Smith argued for respondents. Bruce A. Kilday argued for respondents. No appearance was made on behalf of appellant. Cause submitted.

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October 22, 2001, continued

At 10:57 a.m., the court recessed. At 2:00 p.m., the court reconvened with Presiding Justice Scotland, Associate Justice Blease and Associate Justice Callahan.

C037126 SARACENI et al. v. CITY OF ROSEVILLE et al.

Cause called. Neil D. Houston argued for appellants. Stacey N. Sheston argued for respondents. Cause submitted.

At 2:24 p.m., the court recessed. At 2:28 p.m., the court reconvened with Presiding Justice Scotland, Associate Justice Sims and Associate Justice Kolkey.

C032216 BLAU v. MAMMOTH MOUNTAIN SKI AREA

Cause called. Richard M. Koep argued for appellant. Joseph P. Collins argued for respondent. Cause submitted.

At 3:06 p.m., the court recessed. At 3:11 p.m., the court reconvened with Acting Presiding Justice Davis, Associate Justice Raye and Associate Justice Kolkey.

C030441 OATES et al. v. CITY OF DAVIS

C031184 Cause called. Joel S. Levy argued for appellants. Harriet A. Steiner argued for respondent. Cause submitted.

At 3:47 p.m., the court recessed. At 3:53 p.m., the court reconvened with Acting Presiding Justice Davis, Associate Justice Morrison and Associate Justice Callahan.

C034719 MARTINEZ v. MANTECA-LATHROP FIRE DISTRICT et al.

C034864 Cause called. Richard J. Davis argued for appellant. Thomas J. Driscoll, Jr. argued for respondents. Cause submitted.

At 4:36 p.m., the court recessed until 9:30 a.m., Monday, November 13, 2001.

C036359 THE PEOPLE v. LOHSE

(Not for Publication)

The judgment is affirmed.

RAYE, J.

We concur: Scotland, P.J.
Sims, J.

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- C038146 THE PEOPLE v. HOUSTON (Not for Publication)**
The judgment is modified to impose a \$50 criminal laboratory analysis fee, a \$50 state penalty assessment and a \$35 county penalty assessment. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment, corrected as stated above, and to forward a certified copy to the Department of Corrections.
 DAVIS, J.
We concur: Scotland, P.J.
 Nicholson, J.
- C037598 TINKHAM-PISHOS v. PISHOS (Not for Publication)**
The judgment is affirmed.
 RAYE, J.
We concur: Scotland, P.J.
 Morrison, J.

October 24, 2001

- C032822 THE PEOPLE v. KALLO (Not for Publication)**
The judgment is modified to impose an indeterminate term of life with the possibility of parole after 165 years. As so modified, the judgment is affirmed. The trial court is directed to modify the abstract of judgment to reflect consecutive terms of 15 years to life, with the possibility of parole, and to forward a certified copy of the modified abstract to the Department of Corrections.
 HULL, J.
I concur: Callahan, J.
I concur in the opinion, except for part II where I concur in the result.
 Sims, Acting P.J.
- C033133 THE PEOPLE v. WOODS (Not for Publication)**
The judgment is affirmed.
 RAYE, Acting P.J.
We concur: Callahan, J.
 Hull, J.
- C033297 THE PEOPLE v. HAWKINS (Not for Publication)**
The judgment is affirmed.
 HULL, J.
We concur: Blease, Acting P.J.
 Davis, J.

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- C035468 THE PEOPLE v. JONES (Not for Publication)**
The judgment is affirmed.
 MORRISON, J.
We concur: Blease, Acting P.J.
 Raye, J.
- C035960 THE PEOPLE v. LOPEZ, SR. (Not for Publication)**
The judgment is affirmed.
 NICHOLSON, J.
We concur: Scotland, P.J.
 Callahan, J.
- C036119 THE PEOPLE v. WRIGHT (Not for Publication)**
The judgment is reversed and the matter is remanded to the trial court for a Marsden hearing as explained hereinabove. Depending on the showing made at that hearing, the trial court will reinstate the judgment or conduct further proceedings as is appropriate.
 MORRISON, J.
We concur: Blease, Acting P.J.
 Raye, J.
- C036426 THE PEOPLE v. MOORE (Not for Publication)**
The judgment (order granting probation) is affirmed.
 NICHOLSON, J.
We concur: Blease, Acting P.J.
 Raye, J.
- C036885 THE PEOPLE v. SLATER (Not for Publication)**
The judgment is affirmed.
 RAYE, J.
We concur: Scotland, P.J.
 Morrison, J.
- C037004 THE PEOPLE v. GARCIA (Not for Publication)**
The judgment is affirmed. However, we direct the trial court to correct the abstract of judgment to reflect that defendant was sentenced to a consecutive sentence of one-third the middle term for the second count. We further direct the trial court to forward a certified copy of the corrected abstract to the Department of Corrections.
 HULL, J.
We concur: Sims, Acting P.J.
 Callahan, J.

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- C037687 THE PEOPLE v. PICKETT (Not for Publication)**
The judgment is affirmed.
 NICHOLSON, J.
We concur: Scotland, P.J.
 Blease, J.
- C038487 THE PEOPLE v. HINES (Not for Publication)**
The appeal is dismissed.
 RAYE, J.
We concur: Scotland, P.J.
 Morrison, J.
- C038492 THE PEOPLE v. COSTA (Not for Publication)**
The judgment is affirmed. The abstract of judgment shall be corrected to reflect that the eight month sentence imposed for violation of section 496, subdivision (a) is one-third the midterm. The trial court is directed to prepare a corrected abstract of judgment and to forward a certified copy to the Department of Corrections.
 MORRISON, J.
We concur: Scotland, P.J.
 Raye, J.
- C034873 HUSTON v. YREKA (Not for Publication)**
The judgment is affirmed.
 NICHOLSON, J.
We concur: Scotland, P.J.
 Davis, J.
- C035334 MIKELBANK v. SACRAMENTO COUNTY EMPLOYEES' RETIREMENT BOARD (Not for Publication)**
The judgment is affirmed.
 HULL, J.
We concur: Raye, Acting P.J.
 Kolkey, J.
- C035975 OATES v. CITY OF LINCOLN et al. (Certified for Publication)**
The judgment is affirmed. Defendants shall recover costs on appeal.
[CERTIFIED FOR PUBLICATION.]
 RAYE, J.
We concur: Sims, Acting P.J.
 Davis, J.

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C037439 GIANNONI, JR. et al. v. HIGHFILL et al. (Not for Publication)
The order granting attorney fees to Highfill-Watson is reversed. Giannoni is entitled to costs on appeal.

RAYE, J.

We concur: Davis, Acting P.J.
 Hull, J.

**C037293 In re M. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. CINDY G. (Not for Publication)**
The juvenile court's order is affirmed.

HULL, J.

We concur: Sims, Acting P.J.
 Callahan, J.

C034224 THE PEOPLE v. GUTIERREZ (Certified for Partial Publication)
THE COURT:

The opinion in the above entitled matter filed on September 25, 2001, was not certified for publication in the Official Reports.

For good cause it now appears the opinion should be published and accordingly, it is ordered that the opinion be published with the exception of parts I, II, and III, pursuant to California Rules of Court, rules 976(b) and 976.1.

FOR THE COURT:

Nicholson, Acting P.J.

Morrison, J.

Callahan, J.

October 25, 2001

C033163 THE PEOPLE v. HAFlich (Not for Publication)
The judgment is affirmed.

KOLKEY, J.

We concur: Sims, Acting P.J.
 Callahan, J.

C032216 BLAU v. MAMMOTH MOUNTAIN SKI AREA (Not for Publication)

The judgment is affirmed. Mammoth shall recover its costs on appeal. (Cal. Rules of Court, rule 26 (a)(1).)

KOLKEY, J.

We concur: Scotland, P.J.
 Sims, J.

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- C032230 TADINA et al. v. BOWLES et al. (Not for Publication)**
The judgment is affirmed. The Tadinas shall recover their costs on appeal.
(Rule 26(a), Cal. Rules of Court.)
KOLKEY, J.
We concur: Davis, Acting P.J.
 Callahan, J.
- C032865 LEWIS et al. v. COUNTY OF SACRAMENTO et al. (Certified for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We concur: Sims, J.
 Davis, J.
- C034104 PARKE PLACE AT GOLD RIVER HOMEOWNERS ASSOCIATION v. ROBINO et al. (Not for Publication)**
The judgment is affirmed. The Association shall recover its costs on appeal.
CALLAHAN, J.
We concur: Raye, Acting P.J.
 Kolkey, J.
- C034979 RUDULPH v. THE REGENTS OF THE UNIVERSITY OF CALIFORNIA (Not for Publication)**
The order granting defendant's motion to strike the prayer for punitive damages is affirmed. The judgment of dismissal is reversed, and the matter is remanded to the trial court with instructions to vacate the order sustaining the demurrer without leave to amend and to enter a new order overruling the demurrer. Each party shall bear its own costs on appeal. (Cal. Rules of Court, rule 26 (a).)
SCOTLAND, P.J.
We concur: Morrison, J.
 Hull, J.

October 26, 2001

- C033976 THE PEOPLE v. PEAY (Not for Publication)**
The judgment is affirmed.
HULL, J.
We concur: Blease, Acting P.J.
 Kolkey, J.
- C034261 THE PEOPLE v. MOSES, JR. (Not for Publication)**
The judgment is affirmed.
HULL, J.
We concur: Callahan, Acting P.J.
 Kolkey, J.

October 26, 2001, continued

C038134 **In re A.Z.; SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY v. ADRIAN Z.** **(Not for Publication)**
The order terminating parental rights is affirmed.
 DAVIS, Acting P.J.
We concur: Nicholson, J.
 Morrison, J.